

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 944

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Debbie A. Rodella

AN ACT

RELATING TO HEALTH CARE; REQUIRING DISCLOSURE OF INFECTION  
RATES; PROVIDING FOR PATIENT PRIVACY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public Health Act is  
enacted to read:

"~~[NEW MATERIAL]~~ INFECTION REPORTING.--

A. A hospital shall collect and maintain records on  
hospital-acquired infection rates for specific clinical  
procedures determined by rule of the department, including the  
following types of infections:

- (1) surgical site infections;
- (2) ventilator associated pneumonia;
- (3) central-line-related bloodstream

infections;

.164228.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

- 1 (4) urinary tract infections; and
- 2 (5) other types of infections as determined by
- 3 the department.

4 B. Hospitals shall submit semiannual reports on  
5 their hospital-acquired infection rates to the department.  
6 Semiannual reports shall be submitted, in a format set forth as  
7 determined by the department by July 31 and January 31 each  
8 year for the previous six months. Data in the semiannual  
9 reports shall cover a period ending no earlier than one month  
10 prior to submission of the report. The semiannual reports  
11 shall be made available to the public at each hospital and  
12 through the department. The first semiannual report shall be  
13 due no later than July 31, 2008.

14 C. The department shall make an annual report on  
15 the findings with recommendations, if any, to the legislative  
16 health and human services committee by September 1 of each  
17 year.

18 D. If the hospital is a division or subsidiary of  
19 another entity that owns or operates other hospitals or related  
20 organizations, the semiannual report shall be for the specific  
21 division or subsidiary and not for the other entity.

22 E. The secretary of health shall establish and  
23 appoint an advisory committee. The members of the advisory  
24 committee shall include representation from infection control  
25 departments of both nonprofit and for-profit hospitals,

.164228.1

underscoring material = new  
[bracketed material] = delete

1 physicians, epidemiologists with hospital-acquired infection  
2 expertise, academic researchers, health insurers, health  
3 maintenance organizations, consumer organizations and  
4 employers. The majority of the members of the advisory  
5 committee shall represent interests other than hospitals.

6 F. The advisory committee shall work with the  
7 department to establish standards and rules necessary to  
8 implement the provisions of this section. In addition, the  
9 department and the advisory committee shall evaluate the data  
10 collected from the hospitals pursuant to this section, as well  
11 as the data collection, analysis and dissemination  
12 methodologies.

13 G. In developing the methodology for collecting and  
14 analyzing the infection rate data, the department and the  
15 advisory committee shall consider the existing methodologies  
16 and systems for data collection, including the centers for  
17 disease control and prevention's national nosocomial infection  
18 surveillance program or its successor. The data collection and  
19 analysis methodology shall be disclosed to the public prior to  
20 any public disclosure of hospital-acquired infection rates.

21 H. The department shall make, adopt, promulgate and  
22 enforce rules as it deems necessary to carry out the provisions  
23 of this section.

24 I. A hospital report or department disclosure made  
25 available to the public shall not contain information

.164228.1

underscored material = new  
[bracketed material] = delete

1 identifying a patient, employee or licensed health care  
2 professional in connection with a specific infection incident.

3 J. As used in this section:

4 (1) "department" means the department of  
5 health;

6 (2) "hospital" means a general or special  
7 hospital, nonprofit or for-profit, licensed by the department;  
8 and

9 (3) "hospital-acquired infection" means any  
10 localized or systemic patient condition that:

11 (a) results from an adverse reaction to  
12 the presence of an infectious agent or its toxin; and

13 (b) was not present or incubating at the  
14 time of the patient's admission to the hospital."

15 Section 2. A new section of the Public Health Act is  
16 enacted to read:

17 "[NEW MATERIAL] PRIVACY.--A patient's right of  
18 confidentiality shall not be violated in any manner. Patient  
19 social security numbers and any other information that could be  
20 used to identify an individual patient shall not be released  
21 notwithstanding any other provision of law."